

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

TYRAN TROTTER,

Defendant.

\* \* \* \* \*

\* Case No.15-CR-00382

\*

\* Brooklyn, New York

\* July 14, 2016

\*

\*

\*

\*

\*

\*

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING  
BEFORE THE HONORABLE MARILYN D. GO  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government:

MARCIA MARIA HENRY, ESQ.  
Asst. United States Attorney  
United States Attorney's Office  
271 Cadman Plaza  
Brooklyn, NY 11201

For the Defendant:

JEREMY SCHNEIDER, ESQ.  
Rothman Schneider Soloway &  
Stern, LLP  
100 Lafayette St., Ste. 501  
New York, NY 10013

Proceedings recorded by electronic sound recording,  
transcript produced by transcription service.

**Fiore Reporting and Transcription Service, Inc.**  
4 Research Drive, Suite 402  
Shelton, Connecticut 06484 (203)929-9992

1 (Proceedings commenced at 12:44 p.m.)

2 THE CLERK: Criminal cause for pleading, docket 15-  
3 CR-382, USA v. Tyran Trotter. Counsel please state your  
4 appearances starting with the government.

5 MS. HENRY: Good afternoon, Your Honor, Marcia  
6 Henry for the United States.

7 MR. SCHNEIDER: Good afternoon, Your Honor, Jeremy  
8 Schneider for Tyran Trotter.

9 THE COURT: Good afternoon, counselors. Good  
10 afternoon, Mr. Trotter. Now I understand Mr. Trotter intends  
11 to plead guilty to a lesser included offense of count 1 of  
12 the indictment?

13 MR. SCHNEIDER: Yes, Your Honor.

14 THE COURT: Now, Mr. Trotter?

15 THE DEFENDANT: Yes.

16 THE COURT: Since this court -- since I understand  
17 that you do wish to plead guilty to one of the charges in the  
18 indictment, I must be certain that you understand your rights  
19 and the consequences of your plea. I will explain certain  
20 matters to you and ask you questions. If I say anything you  
21 don't understand, please say so and I will reword. Is that  
22 clear?

23 THE DEFENDANT: Yes.

24 THE COURT: First I'm going to ask you to take an  
25 oath.

1 (Defendant is sworn.)

2 THE COURT: Mr. Trotter, you have just taken an  
3 oath to tell the truth.

4 Do you understand that if you answer any of my  
5 questions falsely, your answers could later be used against  
6 you in another criminal prosecution for perjury or for making  
7 a false statement?

8 THE DEFENDANT: Yes.

9 THE COURT: Now, as you may know, your case has  
10 been assigned to Judge Weinstein and he is the district judge  
11 who will make the ultimate decision whether to accept your  
12 guilty plea and if he does, he will be the judge who will  
13 sentence you.

14 You have the absolute right to have Judge Weinstein  
15 listen to your plea and if you choose to do so, that will be  
16 without any prejudice to you.

17 Judge Weinstein has issued an order referring your  
18 guilty plea to me that I'm holding in my hand and it  
19 indicates at the bottom half -- at the bottom half of the  
20 page that it's been voluntarily consented to after full  
21 consultation by defendant with counsel.

22 Have you had an opportunity to review this form  
23 with your attorney?

24 THE DEFENDANT: Yes.

25 THE COURT: And do you understand it?

1 THE DEFENDANT: Yes.

2 THE COURT: Is this your signature on the line at  
3 the bottom part of the page following the word, defendant?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you in fact give your consent to  
6 having your -- having me hear your plea voluntarily and of  
7 your own free will?

8 THE DEFENDANT: Yes.

9 THE COURT: I'd like you to state for the record  
10 your full name.

11 THE DEFENDANT: Tyran Trotter.

12 THE COURT: How old are you?

13 THE DEFENDANT: 20.

14 THE COURT: What schooling or education have you  
15 had?

16 THE DEFENDANT: Say that again?

17 THE COURT: How many years of schooling have you  
18 had?

19 THE DEFENDANT: I did it up to 10th grade. I got my  
20 GED.

21 THE COURT: You have a GED?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. Have you had any difficulty  
24 understanding the concepts you've discussed with your  
25 attorney?

1 THE DEFENDANT: No.

2 THE COURT: And Mr. Schneider, have you had any --  
3 have you experienced any difficulty in discussing the case  
4 with your client?

5 MR. SCHNEIDER: No.

6 THE COURT: Mr. Trotter, are you presently or have  
7 you recently been under the care of a doctor or psychiatrist?

8 THE DEFENDANT: No.

9 THE COURT: Have you ever been hospitalized or  
10 treated for any mental illness or addiction to drugs, alcohol  
11 or any other substance?

12 THE DEFENDANT: No.

13 THE COURT: In the past 24 hours have you taken any  
14 pills, medicine or drugs of any kind?

15 THE DEFENDANT: No.

16 THE COURT: Have you drunk any alcoholic beverages?

17 THE DEFENDANT: No.

18 THE COURT: Is your mind clear today?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you understand the nature of these  
21 proceedings?

22 THE DEFENDANT: Say that again?

23 THE COURT: Do you understand the nature of these  
24 proceedings?

25 THE DEFENDANT: Yes.

1 THE COURT: Okay. And I just note for the record,  
2 Mr. Trotter's been very attentive and has responded quickly  
3 and appears to understand -- I mean to my questions and  
4 appears to understand what is going on.

5 Now Mr. Schneider, have you discussed the question  
6 of a guilty plea with your client?

7 MR. SCHNEIDER: Yes.

8 THE COURT: In your view does he understand the  
9 rights he would be waiving by pleading guilty?

10 MR. SCHNEIDER: Yes.

11 THE COURT: Is he capable of understanding the  
12 nature of these proceedings?

13 MR. SCHNEIDER: Yes.

14 THE COURT: Do you have any doubts as to his  
15 competency to proceed today?

16 MR. SCHNEIDER: No.

17 THE COURT: Have you advised him of the penalties  
18 that can be imposed and discussed th applicable sentencing  
19 considerations including the sentencing guidelines?

20 MR. SCHNEIDER: Yes.

21 THE COURT: Mr. Trotter, have you had a full  
22 opportunity to discuss your case with your attorney?

23 THE DEFENDANT: Yes.

24 THE COURT: Are you satisfied with your attorney  
25 and the assistance he's given you thus far in this matter?

1 THE DEFENDANT: Yes.

2 THE COURT: I'm holding in my hand a copy of the  
3 superceding indictment which is the document that sets forth  
4 the criminal charges that have been brought against you and  
5 ten other defendants beginning with Kamel Lambus.

6 This superceding indictment sets forth a charge  
7 against you in count 1 of -- and that count is a count  
8 relating to a conspiracy to distribute heroin.

9 And in addition, the -- it contains seven other  
10 counts that are not related to you regarding the possession  
11 with intent to distribute heroin and other substances.

12 Have you discussed this superceding indictment with  
13 your attorney?

14 THE DEFENDANT: Yes.

15 THE COURT: And have you discussed count 1 with  
16 him, that --

17 THE DEFENDANT: Yes.

18 THE COURT: -- that you'll be pleading guilty to.  
19 Do you understand the charge against you?

20 THE DEFENDANT: Yes.

21 THE COURT: Then I will explain to you your right  
22 to a trial and what rights you would be waiving by pleading  
23 guilty to the charge.

24 The first and most important thing you must  
25 understand is that you have a right to plead not guilty to

1 any charge brought against you and to persist in that plea.

2 Under the constitution of the laws of the United  
3 States, you would then have a right to a speedy and public  
4 trial before a jury with the assistance of your attorney. If  
5 you cannot afford an attorney, the court will appoint one for  
6 you at no cost, as I understand this happened in this case.  
7 Do you understand?

8 THE DEFENDANT: Yes.

9 THE COURT: Under our laws you are presumed to be  
10 innocent and would not have to prove that you are innocent.  
11 The burden at trial would be on the government and that  
12 burden would be to prove beyond a reasonable doubt that you  
13 are guilty of the crimes charged against you.

14 In order to prove you guilty of the crimes charged  
15 against you in count 1, the government would have to prove  
16 each and every material element, each and every material part  
17 of the charge.

18 So count 1 contains -- charges you with a  
19 conspiracy and it states that in or about November 14th (sic)  
20 and July 2015, you, together with others, did knowingly and  
21 intentionally conspire to distribute and possess with intent  
22 to distribute a substance containing heroin in violation of  
23 federal law.

24 So the government would have to prove beyond a  
25 reasonable doubt that within the dates alleged November 14th



1 and July -- November, 2014 and July, 2015, certain acts  
2 occurred and they would have to prove beyond a reasonable  
3 doubt that you entered into a conspiracy knowingly and  
4 willingly.

5 And a conspiracy is an agreement to commit an  
6 unlawful act and the object of the conspiracy you're alleged  
7 to have entered into was to distribute and possess with  
8 intent to distribute a substance containing heroin.

9 And in the indictment you are specifically alleged  
10 that the amount of the heroin involved in this conspiracy  
11 attributable to you as a result of your conduct and other co-  
12 conspirators, reasonably foreseeable to you, was 100 grams or  
13 more of a substance containing heroin.

14 Now if the jury -- if the government fails to  
15 present beyond a reasonable doubt any part of count 1 of the  
16 superceding indictment, you -- the jury would have the duty  
17 to find you not guilty and the jury has that duty to find --  
18 make a finding as to guilt beyond a reasonable doubt as to  
19 every defendant and as to you specifically. Do you  
20 understand?

21 THE DEFENDANT: Yes.

22 THE COURT: In the course of a trial witnesses for  
23 the government would have to come to court and testify in  
24 your presence. Your lawyer would have the right to cross  
25 examine those witnesses and to object to evidence offered by

1 the government. You also have the right to offer testimony  
2 and other evidence in your behalf and to compel the  
3 attendance of witnesses if you chose to do so. Do you  
4 understand?

5 THE DEFENDANT: Yes.

6 THE COURT: Although you have the right to testify  
7 at a trial, you cannot be compelled to testify and  
8 incriminate yourself. If you decided not to testify, the  
9 court would instruct the jury they could not hold that  
10 against you. Do you understand?

11 THE DEFENDANT: Yes.

12 THE COURT: If you plead guilty I will ask you  
13 questions about what you did in order to satisfy myself that  
14 you are guilty of the charge to which you seek to plead  
15 guilty and you will have to answer my questions and  
16 acknowledge your guilt.

17 Thus, you will be giving up the right that I've  
18 just described, that is the right not to say anything that  
19 would show you were guilty of the crime with which you're  
20 charged. Do you understand?

21 THE DEFENDANT: Yes.

22 THE COURT: If you plead guilty and the court  
23 accepts your guilty plea, you will be giving up your right to  
24 a trial and all the other rights I've just discussed. There  
25 will be no trial and the court will simply enter a judgment

1 of guilty based on your plea. Do you understand?

2 THE DEFENDANT: Yes.

3 THE COURT: Are you willing to give up your right  
4 to a trial and the other rights I've just discussed?

5 THE DEFENDANT: Yes.

6 THE COURT: I understand that you have entered into  
7 a written agreement with respect to your guilty plea and I  
8 have in my hand a six-page document entitled plea agreement  
9 that has been marked court exhibit number 1. I would like  
10 you to take a look at court exhibit number 1.

11 Have you had an opportunity to read and consider  
12 this entire agreement?

13 THE DEFENDANT: Yes.

14 THE COURT: Have you discussed all of the  
15 provisions of the agreement with your attorney?

16 THE DEFENDANT: Yes.

17 THE COURT: Is that your signature on page six of  
18 the agreement?

19 THE DEFENDANT: Yes.

20 THE COURT: This agreement provides that you will  
21 plead guilty to a lesser included offense of count 1 of the  
22 indictment in this case, the superceding indictment. It sets  
23 forth various sentencing considerations and other terms with  
24 respect to the guilty plea.

25 Do you understand each and every provision of this

1 plea agreement?

2 THE DEFENDANT: Yes.

3 THE COURT: Does the agreement as written, contain  
4 the entire agreement that you've made with the government?  
5 Does the agreement contain all of the terms of the agreement  
6 you've reached with the government?

7 THE DEFENDANT: Yes.

8 THE COURT: Have there been any other promises that  
9 are not contained in this written agreement that caused you  
10 to plead guilty?

11 THE DEFENDANT: No.

12 THE COURT: Has anyone made you any promises as to  
13 what your sentence will be?

14 THE DEFENDANT: No.

15 THE COURT: Now let me discuss with you the  
16 consequences of pleading guilty today. As the plea agreement  
17 notes, you will be pleading guilty to a lesser included  
18 offense of count 1. The statute that you're accused of  
19 violating that you will be pleading guilty to provides for a  
20 term of imprisonment from zero to 20 years.

21 In determining what sentence to impose within the  
22 statutory range, Judge Weinstein will consider the guidelines  
23 issued by the United States Sentencing Commission and the  
24 other factors specified by Section 3553(a) of the United  
25 States Criminal Code and determining whether to impose a

1 sentence within the guideline range.

2 The other factors the court will consider include  
3 the nature and circumstances of the crimes committed, your  
4 characteristics and criminal history and the public interest  
5 in your sentence.

6 Prior to sentencing the court will receive a pre-  
7 sentence report containing information about those factors  
8 and the guidelines. You and your lawyer will have the  
9 opportunity to see that report and to speak on your behalf at  
10 sentencing. Do you understand?

11 THE DEFENDANT: Yes.

12 THE COURT: Have you and your attorney discussed  
13 the sentencing guidelines and how they might apply to your  
14 case?

15 THE DEFENDANT: Yes.

16 THE COURT: Now as you may know, some of the most  
17 important factors in determining the guideline range with  
18 respect to the charge in the indictment are the drug type and  
19 quantity involved.

20 Under the plea agreement you have agreed that your  
21 guideline range should be calculated based on a drug type and  
22 quantity of at least 400 grams of heroin and this will have  
23 an important effect on what your guideline range will be. Do  
24 you understand that?

25 THE DEFENDANT: Yes.

1 THE COURT: Now as the plea agreement makes clear,  
2 the guidelines are advisory.

3 However, I'm going to ask the attorney's here to  
4 give me their best estimate of the likely guideline range.

5 MS. HENRY: Your Honor, based on an adjusted  
6 offense level of 23, and then an assumed criminal history  
7 category of 1, the guidelines estimate in this case is 46 to  
8 47 months imprisonment.

9 THE COURT: Do you agree with that estimate Mr.  
10 Schneider?

11 MR. SCHNEIDER: Yes.

12 THE COURT: Now Mr. Trotter, keep in mind even  
13 though the attorney's are in agreement, they are just  
14 estimates at this time. They could change based on new facts  
15 and information obtained.

16 Until a pre-sentence report is prepared and the  
17 court hears from you, your lawyer and the government attorney  
18 at sentencing, we will not know with certainty what the  
19 guidelines will be or whether there will be grounds to depart  
20 from them or whether the court will impose a non-guideline  
21 sentence. Do you understand?

22 THE DEFENDANT: Yes.

23 THE COURT: Under the plea agreement the government  
24 has agreed not to take any position concerning where within  
25 the guideline range determined by the court your sentence

1       should fall.

2               Do you understand that any recommendation made by  
3       you and your attorney, even if it's not opposed by the  
4       government, is simply a recommendation and could be rejected  
5       by the court?

6               THE DEFENDANT:   Yes.

7               THE COURT:   So if your sentence is higher than  
8       recommended or expected or the guideline estimates you've  
9       heard are wrong, you will not be able to withdraw your guilty  
10      plea, is that clear?

11              THE DEFENDANT:   Yes.

12              THE COURT:   In addition to imprisonment, you will  
13      be sentenced to supervised release. Supervised release means  
14      that after you're released from prison, your activities will  
15      be supervised by the probation department and there may be  
16      many restrictions placed on your liberty such as travel  
17      limitations, requirements that you report regularly to a  
18      probation officer, prohibitions on carrying guns and the  
19      like.

20              Do you understand the nature of supervised release?

21              THE DEFENDANT:   Yes.

22              THE COURT:   The statute you're accused of violating  
23      provides for a minimum supervised release term of three years  
24      and a maximum term of life.

25              What's important to keep in mind is that if you

1 violate the conditions of supervised release, you could be  
2 returned to prison for up to two years, even if the violation  
3 occurs close to the end of the supervised period and you  
4 could be subject to yet another supervised release term.

5 That means that if you don't follow the conditions of  
6 supervised release, your prison term could be substantially  
7 lengthened. Do you understand?

8 THE DEFENDANT: Yes.

9 THE COURT: You could also be subject to a monetary  
10 fine of up to \$1 million and you will have to pay a mandatory  
11 special assessment.

12 Now if you are not a United States citizen, I'm  
13 advising you that a conviction also carries serious  
14 immigration consequences.

15 A non-citizen convicted of a charge that you will  
16 be pleading guilty to, may be removed from the United States,  
17 denied citizenship and denied admission to the United States  
18 in the future. Do you understand?

19 THE DEFENDANT: Yes.

20 THE COURT: If after your sentence you or your  
21 attorney think that court has not properly followed the law  
22 in sentencing you, you ordinarily have the right to appeal  
23 your sentence to a higher court.

24 However, under the plea agreement, you have  
25 substantially limited your right of appeal and agree not to



1 file any appeal or otherwise challenge your conviction or  
2 your sentence if you are subject to a term of imprisonment of  
3 63 months or less. Do you understand?

4 THE DEFENDANT: Yes.

5 THE COURT: Do you have any questions you would  
6 like to ask me about the charge, your rights or anything else  
7 relating to this matter?

8 THE DEFENDANT: No, ma'am.

9 THE COURT: Is everything clear to you?

10 THE DEFENDANT: Yes.

11 THE COURT: Mr. Schneider, do you know of any  
12 reason why your client should not enter a plea of guilty to  
13 the charge?

14 MR. SCHNEIDER: No, Your Honor.

15 THE COURT: Are you aware of any viable legal  
16 defense?

17 MR. SCHNEIDER: No.

18 THE COURT: Mr. Trotter, are you ready to plea?

19 THE DEFENDANT: Yes.

20 THE COURT: How do you plead to the charge  
21 contained in count 1 of the superceding indictment?

22 THE DEFENDANT: Guilty.

23 THE COURT: Are you making your plea of guilty  
24 voluntarily and of your own free will?

25 THE DEFENDANT: Yes.

1 THE COURT: Has anyone threatened or forced you to  
2 plead guilty?

3 THE DEFENDANT: No.

4 THE COURT: Other than the plea agreement marked  
5 Court Exhibit No. 1, has anyone made you any promise that  
6 caused you to plead guilty?

7 THE DEFENDANT: No.

8 THE COURT: Has anyone made any promise about the  
9 sentence you will receive?

10 THE DEFENDANT: No.

11 THE COURT: Then I would like you to discuss in  
12 your own words what you did in connection with the crime  
13 charged in count 1.

14 THE DEFENDANT: Between November, 2014 and July,  
15 2015 within the Eastern District of New York and elsewhere, I  
16 knowingly and intentionally agreed and conspired with others  
17 to distribute and possess with intent to distribute, a  
18 controlled substance in violation of the -- in that law.

19 I had telephone conversations on June 11th, 13th  
20 and 14th of 2015, related to distribution of heroin while I  
21 was in Queens, New York. I knew that what I was doing was  
22 illegal.

23 THE COURT: And do you agree -- I just want you to  
24 confirm your agreement in the plea agreement that the amount  
25 of the heroin attributable to your conduct was 400 grams or

1 more?

2 MR. SCHNEIDER: Yes, actually, Your Honor, I know  
3 it says 400 grams, but I think the indictment says 400 grams  
4 to his conduct or what was reasonably foreseeable to him as -  
5 -

6 THE COURT: Yes. Was that reasonably foreseeable  
7 that your --

8 THE DEFENDANT: Yes.

9 THE COURT: -- conduct involved 400 grams or more  
10 of heroin, the distribution --

11 THE DEFENDANT: Yes.

12 THE COURT: Okay. Is there anything else the  
13 attorney's want to add?

14 MS. HENRY: Nothing from the government, Your  
15 Honor.

16 MR. SCHNEIDER: No, Your Honor.

17 THE COURT: Then based on the information given to  
18 me, I find that Mr. Trotter is acting voluntarily, that he  
19 fully understand the charge, his rights and the consequences  
20 of his plea, and that there is a factual basis for the plea.

21 I therefore recommend to Judge Weinstein to accept  
22 his plea of guilty to count 1 of the superceding indictment.  
23 Has there been a date set for sentencing?

24 THE CLERK: Yes. Judge Weinstein sets January 17th  
25 of 2017 at 10:30 in the morning.

1 THE COURT: Thank you.

2 (Proceedings concluded at 1:08 p.m.)

3  
4 I, CHRISTINE FIORE, court-approved transcriber and certified  
5 electronic reporter and transcriber, certify that the  
6 foregoing is a correct transcript from the official  
7 electronic sound recording of the proceedings in the above-  
8 entitled matter.

9  
10 

11 August 18, 2016

12 \_\_\_\_\_  
13 Christine Fiore, CERT  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24